

REMARKS

Applicant thanks the Examiner for the courtesies extended to the undersigned in the telephone interview conducted by the undersigned with the Examiner on October 26, 2006.

Claims 94-106 are pending, with claims 1-93 having previously been canceled, without prejudice or disclaimer. The August 17, 2006 final Office Action indicates that claims 96-106 have been allowed. By this Amendment, claim 94 has been amended to clarify the claimed invention. Accordingly, claims 94 and 95 are presented for reconsideration, with claim 94 being in independent form.

Claims 94 and 95 were rejected under 35 U.S.C. § 103(a) as purportedly unpatentable over U.S. Patent No. 6,136,626 to Kidoguchi in view of U.S. Patent No. 6,456,640 to Okumura and further in view of U.S. Patent No. 5,868,837 to DiSalvo.

By this Amendment, claim 94 has been amended to clarify the claimed invention. The claim amendment was discussed with the Examiner in the telephone interview and the Examiner indicated that the claim amendment would overcome the rejection based on the combination of Kidoguchi, Okumura and DiSalvo, since the cited art does not teach or suggest an optical semiconductor device comprising a bulk crystal substrate of GaN comprising a slab of a GaN single crystal, lower and upper cladding layers formed epitaxially on the bulk crystal substrate of GaN, and an active layer formed epitaxially between the lower and upper cladding layers, wherein the bulk crystal substrate of GaN has a defect density of  $10^3\text{cm}^{-2}$  or less, as provided by the subject matter of amended claim 94.

In view of the amendments to the claims and remarks hereinabove, Applicant submits that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,

  
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